

Response under 37 C.F.R. 1.116

Applicant: Kelli Hodge Kennedy et al.

Serial No.: 09/782,765

Filed: February 13, 2001

Docket No.: 10005680-1

Title: DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH CONSOLIDATED DOCUMENT SERVICES MANAGEMENT

REMARKS

The following Remarks are made in response to the Final Office Action mailed October 12, 2004, in which claims 1, 3-7, 9-17, 19, 21, 23-27, 29, and 30 were rejected. Claims 1, 3-7, 9-17, 19, 21, 23-27, 29, and 30 remain pending in the application and are presented for reconsideration and allowance.

Claim Rejections under 35 U.S.C. § 103

Although paragraph 2 of the Detailed Action lists the rejection of claims 1, 3-7, 9-17, 19, 21, 23-27, 29, and 30 as a rejection under 35 U.S.C. 102(e), Applicant assumes that the rejection is actually a rejection under 35 U.S.C. 103(a) considering the quotation of 35 U.S.C. 103(a) in paragraph 1 of the Detailed Action and the combination of references in the rejection.

Claims 1, 3-7, 9-17, 19, 21, 23-27, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griggs U.S. Patent Application Pub. No. 2002/0029384 in view of Sako et al. U.S. Patent Application Pub. No. 2002/0128936.

The "Related U.S. Application Data" of the Griggs U.S. Patent Application includes Provisional Application No. 60/219,857, filed on July 20, 2000, and Provisional Application No. 60/233,581, filed on September 19, 2000. Thus, the earliest effective date of the Griggs U.S. Patent Application Pub. No. 2002/0029384, if the Griggs U.S. Patent Application is entitled to rely on the filing date of Provisional Application No. 60/219,857, is July 20, 2000.

Accompanying this Response is a Declaration of Prior Invention under 37 C.F.R. 1.131 to establish conception of the subject matter of the present patent application prior to the earliest effective date of July 20, 2000 of U.S. Patent Application Pub. No. 2002/0029384 coupled with due diligence from prior to the earliest effective date to the filing date of the present patent application (i.e., constructive reduction to practice). This Declaration is submitted to further prosecution and should not be construed as acquiescence by Applicant in the outstanding rejection. Applicant, therefore, respectfully requests consideration of the Declaration of Prior Invention under 37 C.F.R. 1.131.

In view of the above, Applicant submits that the Griggs U.S. Patent Application Pub. No. 2002/0029384 does not qualify as a reference under 35 U.S.C. 102(e) and, therefore,

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does not qualify as a reference under 35 U.S.C. 103(a). Applicant, therefore, respectfully requests that the rejection of claims 1, 3-7, 9-17, 19, 21, 23-27, 29, and 30 under 35 U.S.C. 103(a) be reconsidered and withdrawn and that claims 1, 3-7, 9-17, 19, 21, 23-27, 29, and 30 be allowed.

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CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1, 3-7, 9-17, 19, 21, 23-27, 29, and 30 are all in a condition for allowance and requests reconsideration of the application and allowance of all pending claims.

Any inquiry regarding this Response should be directed to either Robert C. Sismilich at Telephone No. (858) 655-8329, Facsimile No. (858) 655-5859 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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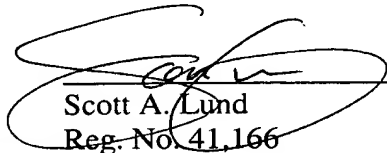
Respectfully submitted,

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 12TH day of January, 2005.

By 

Name: Scott A. Lund